

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	
Improving Spectrum Efficiency Through	)	WT Docket No. 12-64
Flexible Channel Spacing and Bandwidth	)	
Utilization for Economic Area-based 800	)	
MHz Specialized Mobile Radio Licensees	)	
	)	
Request for Declaratory Ruling that the	)	WT Docket No. 11-110
Commission's Rules Authorize Greater	)	
than 25 kHz Bandwidth Operations in the	)	
817-824/862-869 MHz Band	)	

To: The Commission

**REPLY COMMENTS OF SOUTHERNLINC WIRELESS**

Southern Communications Services, Inc. d/b/a SouthernLINC Wireless ("SouthernLINC Wireless") hereby submits its reply comments in response to the Commission's *Notice of Proposed Rulemaking* ("NPRM") proposing the elimination of a legacy channel spacing and bandwidth limitation for Economic Area ("EA")-based Enhanced Specialized Mobile Radio ("ESMR") licensees in the 800 MHz band.<sup>1</sup>

The comments filed in this proceeding demonstrate overwhelming support for the Commission's proposed rule granting EA-based 800 MHz ESMR licensees the flexibility to deploy advanced wireless technologies and services. As the record shows, the Commission's proposal will promote the availability of new, competitive advanced wireless services for

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<sup>1</sup> / *Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-based 800 MHz Specialized Mobile Radio Licensees, Request for Declaratory Ruling that the Commission's Rules Authorize Greater than 25 kHz Bandwidth Operations in the 817-824/862-869 MHz Band*, WT Docket Nos. 12-64, 11-110, Notice of Proposed Rulemaking, FCC 12-25 (rel. Mar. 9, 2012) ("NPRM").

consumers and encourage investment and innovation by enabling the efficient use of limited spectrum resources for the deployment of next-generation wideband technologies. At the same time, the Commission’s proposal ensures continued interference protection for public safety licensees. The Commission should therefore act as expeditiously as possible to formally adopt its proposal allowing wideband operations in the 800 MHz ESMR band.

**I. COMMENTERS AGREE THAT THE PROPOSED RULE WILL CONFER SIGNIFICANT BENEFITS**

The record demonstrates strong support for the Commission’s proposal to allow EA-based 800 MHz ESMR licensees to exceed the channel spacing and bandwidth limitations of Section 90.209 of the Commission’s Rules, with several commenters describing the significant benefits that would be conferred by the adoption of this proposal.

For example, in its comments, Sprint Nextel pointed out that “President Obama has emphasized the importance of ‘finding ways to use spectrum more efficiently’ and ‘unlock[ing] the value of underutilized spectrum.’”<sup>2</sup> The Commission’s proposal to allow wideband operations in the 800 MHz ESMR band is consistent with the goals set forth by President Obama. As the Telecommunications Industry Association (TIA) observed, the Commission’s proposal “significantly further[s] the Government’s interest in more efficient use of spectrum by facilitating greater, more productive uses of limited spectrum resources.”<sup>3</sup> TIA further stated that the elimination of the channel spacing and bandwidth limitations of 800 MHz ESMR licensees “will be a boon to innovation in wireless services and devices.”<sup>4</sup>

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<sup>2</sup> / Sprint Nextel Comments at 7 (*quoting* President of the United States, Memorandum for the Heads of Executive Departments and Agencies, *Unleashing the Wireless Broadband Revolution*, 75 Fed. Reg. 38387 (2010)).

<sup>3</sup> / Comments of TIA at 3.

<sup>4</sup> / Comments of TIA at 3.

RCA – The Competitive Carriers’ Association (RCA) similarly noted, “The FCC’s proposal to allow ESMR licensees to deploy next-generation technologies ... will increase the spectrum’s efficiency and the carriers’ coverage and capacity, to consumers’ benefit.”<sup>5</sup> According to RCA, the Commission’s proposal “will allow ESMR licensees to offer their consumers the latest technologies and services,”<sup>6</sup> and it is therefore “incumbent upon the FCC to revise its technical and service rules for ESMR spectrum to promote the most efficient use of a taxpayer-owned resource for the benefit of the American consumer.”<sup>7</sup>

Commenters also addressed the importance of flexibility, with Motorola Solutions, Inc. stating that, as a general matter, it “believes that licensees should be afforded maximum flexibility in the use of their exclusively licensed spectrum”<sup>8</sup> – a position that was shared by other commenters as well.<sup>9</sup> Currently, however, 800 MHz ESMR licensees lack the flexibility to deploy new wideband technologies that wireless carriers operating in other bands enjoy.

In their initial comments, both SouthernLINC Wireless and Sprint Nextel explained how the legacy channel spacing and bandwidth limitations of Section 90.209 – which were based on 1970s technology – are effectively and unnecessarily foreclosing the use of the spectrum in the 800 MHz ESMR band for competitive wireless broadband services.<sup>10</sup> As Sprint Nextel stated, these limitations represent “an antiquated obstacle to broadband buildout in the 800 MHz

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<sup>5</sup> / Comments of RCA at 2; *See also* Comments of AT&T at 2 (“The greater spectral efficiency from the use of new wide band technologies, in fact, will help wireless carriers address the skyrocketing demand for wireless services by providing more capacity on the same amount of spectrum.”).

<sup>6</sup> / Comments of RCA at 3.

<sup>7</sup> / Comments of RCA at 2.

<sup>8</sup> / Comments of Motorola Solutions, Inc. at 3.

<sup>9</sup> / *See, e.g.*, Comments of TIA at 2; Comments of RCA at 3.

<sup>10</sup> / Comments of SouthernLINC Wireless at 4 – 5; Comments of Sprint Nextel at 2 – 4 and 6 – 7.

band.”<sup>11</sup> SouthernLINC Wireless agrees with Sprint Nextel that the continued presence of these legacy limitations on the use of licensed spectrum in the 800 MHz ESMR band “limits ESMR licensee flexibility in contrast to the flexibility that has been afforded competitors operating in other bands for many years, undermining the *1995 Order* [establishing 800 MHz SMR licensing] and contravening the Commission’s strong policies in favor of innovation and licensee flexibility.”<sup>12</sup>

SouthernLINC Wireless further agrees with Sprint Nextel that the prompt elimination of the channel spacing and bandwidth limitations in the 800 MHz ESMR band is necessary “to ensure regulatory parity between 800 MHz ESMR operators and other CMRS licensees.”<sup>13</sup> As Sprint Nextel noted, the Commission “has acted repeatedly in the wireless context and elsewhere to advance the goal of regulatory parity between similar services” pursuant to its mandate from Congress.<sup>14</sup> Accordingly, the Commission should expeditiously adopt its proposal and provide ESMR licensees “the same flexibility to deploy wideband and broadband systems as competitors operating in other bands.”<sup>15</sup>

## **II. THE RECORD SHOWS THAT THE COMMISSION’S PROPOSAL WILL ENSURE CONTINUED INTERFERENCE PROTECTION FOR PUBLIC SAFETY LICENSEES**

The Commission’s proposal to allow wideband operations in the 800 MHz ESMR band includes certain conditions to ensure that such operations will not increase the risk of

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<sup>11</sup> / Comments of Sprint Nextel at 6. AT&T observed that the Commission’s technical rules sometimes stand in the way “simply because those rules date back to the 1970s and early 1980s.” Comments of AT&T at 2. According to AT&T, “To the extent those rules no longer serve any useful purpose, they should be promptly changed.” *Id.*

<sup>12</sup> / Comments of Sprint Nextel at 6 – 7.

<sup>13</sup> / Comments of Sprint Nextel at 9; *See also* Comments of RCA at 3.

<sup>14</sup> / Comments of Sprint Nextel at 9.

<sup>15</sup> / Comments of Sprint Nextel at 9.

interference to other licensees in the 800 MHz band, including public safety licensees.<sup>16</sup> Several commenters agreed with SouthernLINC Wireless that these conditions will be more than sufficient to ensure continued interference protection for other 800 MHz licensees.<sup>17</sup> Motorola Solutions stated that the Commission’s proposed conditions “strike the right balance” between affording licensees maximum flexibility and protecting public safety systems against interference.<sup>18</sup> TIA agreed, stating that “[t]he conditions placed on EA-based licensees’ ability to exceed the channel spacing requirements are appropriate and fair to ensure the ability of public safety licensees to continue to provide reliable service.”<sup>19</sup>

In addition, the Association of Public-Safety Communications Officials-International, Inc. (APCO) stated in its comments that it no longer considers its previous recommendation for a 1 MHz “buffer” between ESMR wideband operations and public safety operations to be necessary.<sup>20</sup> Instead, APCO has requested a clarification of the Commission’s proposal and recommended only a few additional conditions on wideband operations in the 800 MHz ESMR band.<sup>21</sup> According to APCO, “[T]he protections proposed in the *NPRM*, with the minor

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<sup>16</sup> / *NPRM* at ¶¶ 13 – 14.

<sup>17</sup> / *See* Comments of Motorola Solutions at 3 – 4; Comments of TIA at 3 – 4; Comments of RCA at 3.

<sup>18</sup> / Comments of Motorola Solutions at 3.

<sup>19</sup> / Comments of TIA at 4.

<sup>20</sup> / Comments of APCO at 3; *NPRM* at ¶ 15 (discussing APCO’s suggestion of 1 MHz separation between ESMR wideband operations and public safety operations).

<sup>21</sup> / Comments of APCO at 2 – 3. Specifically, APCO requests that the Commission clarify that its proposal does not apply to the 813.5-817/858.5-862 MHz band except in the Southeastern United States where that spectrum has already been allocated for EA-based ESMR operations. APCO also recommends that, in NPSPAC regions that include Mexican border areas, the notification provisions in the Commission’s proposal should be extended to include all public safety licensees in the border area. *Id.* SouthernLINC Wireless has no objection to APCO’s requested clarification and modifications.

modifications noted above [in APCO’s comments], should be adequate to protect public safety from any additional interference potential that might be posed” by ESMR wideband operations.<sup>22</sup>

A group of nine public safety licensees also filed joint comments collectively as the “Public Safety Licensees.” The Public Safety Licensees expressly state that they “support a Commission policy that permits licensees of exclusive, contiguous Part 90 channels to combine their frequency allocations and utilize equipment which spans all or part of the combined bandwidth.”<sup>23</sup> These licensees then assert, however, that “for Part 90 spectrum where frequency coordination is not required, the Commission should require licensees desiring such operation to demonstrate to the Commission that interference will not be caused to neighboring licensees.”<sup>24</sup> Yet these licensees do not provide any specific data or evidence whatsoever to justify their demand for additional conditions on wideband operations in the 800 MHz ESMR band far more stringent and onerous than those proposed by the Commission or to justify why the Commission’s proposed conditions should be modified.<sup>25</sup> Instead, these licensees present only vague, generalized concerns that are purely speculative rather than “data driven.”

Nevertheless, SouthernLINC Wireless reiterates that the conditions proposed by the Commission, together with the other mandatory technical rules that will continue to apply to 800 MHz ESMR licensees, will be more than sufficient to ensure continued interference protection for public safety licensees in the 800 MHz band. As SouthernLINC Wireless noted in its initial

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<sup>22</sup> / Comments of APCO at 3.

<sup>23</sup> / Joint Comments of Public Safety Licensees at 9.

<sup>24</sup> / Joint Comments of Public Safety Licensees at 9.

<sup>25</sup> / See *NPRM* at ¶ 15 (“We encourage commenters to explain any interference issues they claim may arise – even with conditions – with specificity, including any relevant data supporting such claims. We also encourage commenters to describe in detail and to justify fully any modification to these or additional conditions they argue may be necessary to protect 800 MHz public safety licensees from increased interference.”).

comments, SouthernLINC Wireless and other 800 MHz ESMR licensees – regardless of what technology they might deploy or what technical conditions they may operate under – are obligated and will remain obligated under Section 90.673 of the Commission’s Rules to abate unacceptable interference caused knowingly or unknowingly, directly or indirectly, to any 800 MHz public safety licensee.<sup>26</sup> This strict responsibility to protect 800 MHz public safety licensees from interference will not be lessened or affected in any way by the adoption of the Commission’s proposed rule allowing wideband operations in the 800 MHz ESMR band.

The Commission’s proposal also will not affect Section 90.691 of the Commission’s Rules, which establishes strict out-of-band emissions (“OOBE”) requirements for the “outer” channels of an EA-based 800 MHz ESMR licensee’s contiguous spectrum, as well as for spectrum adjacent to “interior” channels used by incumbent site-based licensees.<sup>27</sup> Moreover, the technical requirements of Section 90.672 of the Commission’s Rules effectively establish OOBE requirements that are even more stringent than those in Section 90.691.<sup>28</sup> Accordingly, the ongoing obligation of 800 MHz ESMR licensees to operate in strict compliance with these rules will continue to serve as yet another form of protection from interference for 800 MHz public safety licensees.

Finally, it is important to recognize that neither SouthernLINC Wireless nor any other wireless service provider wants to cause interference to neighboring licensees. Addressing and remedying instances of interference costs service providers a significant amount of money, time, and resources. It is therefore in the service provider’s best interest to do everything it can to avoid potential interference in the first place.

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<sup>26</sup> / 47 C.F.R. § 90.673; Comments of SouthernLINC Wireless at 11.

<sup>27</sup> / 47 C.F.R. § 90.691.

<sup>28</sup> / 47 C.F.R. § 90.672.

### **III. CONCLUSION**

The record of this proceeding demonstrates overwhelming support for the Commission's proposed rule granting EA-based 800 MHz ESMR licensees the flexibility to deploy advanced wireless technologies and services. As the record shows, the Commission's proposal will promote the availability of new, competitive advanced wireless services for consumers and encourage investment and innovation by enabling the efficient use of limited spectrum resources for the deployment of next-generation wideband technologies. At the same time, the Commission's proposal ensures continued interference protection for public safety licensees.

As SouthernLINC Wireless has previously stated, the sooner the Commission acts to allow wideband operations in the 800 MHz ESMR band, the sooner 800 MHz ESMR licensees can invest in the widespread deployment of advanced technologies and bring new, competitive wireless services to consumers. The Commission should therefore act as expeditiously as possible to formally adopt its proposal allowing wideband operations in the 800 MHz ESMR band.



**WHEREFORE, THE PREMISES CONSIDERED**, SouthernLINC Wireless respectfully requests the Commission to take action in this docket consistent with the views expressed herein.

Respectfully submitted,

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